

In the Court of Appeals of the State of Alaska

Nelson Jose Del Rosario,

Appellant,

v.

Municipality of Anchorage,

Appellee.

Court of Appeals No. A-13353

Order

Date of Order: **March 6, 2019**

Trial Court Case # **3AN-17-04095CR**

The Appellant, Nelson Jose Del Rosario, is currently represented by a privately retained attorney, Rex Lamont Butler. Mr. Butler has filed a motion asking this Court to remand this case for a representation hearing. Mr. Butler has also filed a motion asking for a 30-day extension of time to file a designation of transcripts.

Accordingly, **IT IS ORDERED:**

1. This case is remanded to the district court for a hearing to determine if Mr. Del Rosario is eligible for the assistance of counsel at public expense.

2. If the district court finds that Mr. Del Rosario is eligible for the assistance of counsel at public expense, the district court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.

3. If the district court concludes that Mr. Del Rosario is not eligible for the appointment of counsel at public expense, the district court shall notify this Court of this finding.

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4. The district court's report on these matters shall be provided to this Court on or before March 27, 2019.

5. If a new attorney is appointed to represent Mr. Del Rosario, then the designation of transcripts shall be due 30 days after the new attorney files an entry of appearance in this appeal. (If an attorney is appointed to represent Mr. Del Rosario at public expense, then the designated transcripts will be prepared at public expense.) If a new attorney is not appointed to represent Mr. Del Rosario, then this Court will revisit this issue after the district court's report.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

Beth A. Pechota, Deputy Clerk

cc: Court of Appeals Judges
Judge Logue
Trial Court Clerk - Anchorage

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